

IN RE: : BANKRUPTCY CASE
: :
GEORGIA PECAN COMPANY LLC : NO. 14-10333-AEC
: :
Debtor : CHAPTER 7 Proceeding

NOTICE OF MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS

The Chapter 7 Bankruptcy Trustee in the above case, Walter W. Kelley filed a motion to sell the following property of the bankruptcy estate: property including, but not limited to, farm implements and equipment, goods and furnishings more particularly described in Exhibit A of the motion to sell. The Trustee desires to sell the above property by private sale to MD & ED Roberts through Rowell Auctions, Inc., for a purchase price of \$30,000. The auctioneer's fee is a 10% buyer's premium.

IF YOU WANT TO INSPECT THE ABOVE PROPERTY OR MAKE A PURCHASE OFFER ON THE PROPERTY, CONTACT THE TRUSTEE'S ATTORNEY, SHOWN BELOW.

YOUR RIGHTS MAY BE AFFECTED. READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO GRANT THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE FEBRUARY 9, 2015. THE OBJECTION/RESPONSE SHOULD BE SENT TO CLERK OF THE COURT, U. S. BANKRUPTCY COURT, P.O. BOX 1957, MACON, GEORGIA 31202. IF A RESPONSE/OBJECTION IS FILED, A HEARING WILL BE HELD ON MARCH 11, 2015, AT 2:00 P.M. AT THE C.B. KING U.S. COURTHOUSE, 2nd FLOOR, 201 BROAD AVENUE, ALBANY, GEORGIA.

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE. ANY RESPONSE OR OBJECTION MUST ALSO BE MAILED TO THE MOVING PARTY AND ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE SALE MOTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

This 14th day of January, 2015.

/s/ David S. Ballard
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IN RE: : BANKRUPTCY CASE
: :
GEORGIA PECAN COMPANY LLC : NO. 14-10333-AEC
: :
Debtor : CHAPTER 7 Proceeding

TRUSTEE'S MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS

COMES NOW Walter W. Kelley, Chapter 7 Trustee and shows as follows:

-1-

This motion is brought under 11 U.S.C. §363 and Bankruptcy Rule 6004. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (O).

-2-

The Debtor filed a voluntary Chapter 7 petition on March 14, 2014. Walter W. Kelley is the Trustee in this case.

-3-

The Debtor owns property including, but not limited to, farm implements and equipment, goods and furnishings more particularly described in Exhibit A. The property could possibly be subject to a lien in favor of MCA Fixed Payment, LLC and other lienholders.

-4-

The Trustee desires to sell the above property by to MD & ED Roberts through Rowell Auctions, Inc. for a purchase price of \$30,000. The sale or auctioneer's fee is a 10% buyer's premium.

-5-

The sale of the property is to be "as is," "where is" with all faults and subject to any security interest, lien or other claim.

WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:

- (a) allowing the above-described sale;
- (b) authorizing the Trustee to sell the debtor's interest in the above property subject to liens and other claims and to permit the Trustee to pay valid liens and other claims at closing;
- (c) allowing direct payment of compensation to Rowell Auctions, Inc. (after Court approval) at closing from the sale proceeds;

(d) allowing the Trustee, in his discretion to later reject this offer if it becomes apparent this sale is not in the best interest of the estate; and

(e) for such other and further relief as the Court deems just and proper.

/s/ David S. Ballard

DAVID S. BALLARD

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Asset <u>d</u>	Property Description	Date In Service	Book Cost	Book Sec 179 Exp <u>c</u>	Book Sal Value	Book Prior Depreciation	Book Current Depreciation	Book End Depr	Book Net Book Value	Book Method	Book Period
Group: Building											
18	Building	8/24/12	131,399.60	0.00	0.00	4,492.29	3,369.22	7,861.51	123,538.09	SL	39.0
19	Concrete Docks	9/14/12	14,318.13	0.00	0.00	1,272.72	954.54	2,227.26	12,090.87	SL	15.0
20	Fencing	11/05/12	12,070.00	0.00	0.00	938.78	804.67	1,743.45	10,326.55	SL	15.0
21	A/C Unit & Duct Work	11/29/12	7,946.78	0.00	0.00	573.94	529.79	1,103.73	6,843.05	SL	15.0
24	Lighting	10/15/12	91,600.54	0.00	0.00	7,633.38	6,106.70	13,740.08	77,860.46	SL	15.0
28	Plumbing Upgrades	11/20/12	2,406.24	0.00	0.00	173.79	160.42	334.21	2,072.03	SL	15.0
30	Rollup Doors	9/21/12	5,151.03	0.00	0.00	919.83	735.86	1,655.69	3,495.34	SL	7.0
32	Security System	10/15/12	12,641.00	0.00	0.00	2,257.32	1,805.86	4,063.18	8,577.82	SL	7.0
37	Various Fixtures	9/02/12	15,000.00	0.00	0.00	1,333.33	1,000.00	2,333.33	12,666.67	SL	15.0
39	Gutters	4/22/13	1,200.00	0.00	0.00	53.33	80.00	133.33	1,066.67	SL	15.0
	Building		293,733.32	0.00c	0.00	19,648.71	15,547.06	35,195.77	258,537.55		
Group: Machinery & Equipment											
1	Clark Diesel Fork Lift	6/01/11	5,500.00	0.00	0.00	1,964.42	785.71	2,750.13	2,749.87	SL	7.0
2	Pallet Jack	6/01/11	350.00	0.00	0.00	125.00	50.00	175.00	175.00	SL	7.0
3	White Poly Bags	9/01/11	1,860.00	0.00	0.00	597.42	265.71	863.13	996.87	SL	7.0
4	Buffers Absorptives	9/01/11	1,971.00	0.00	0.00	633.14	281.57	914.71	1,056.29	SL	7.0
5	Pecan Cleaning Plant-See List	9/01/11	67,000.00	0.00	0.00	21,535.86	9,571.43	31,107.29	35,892.71	SL	7.0
6	Steinlight Moisture Meter	9/01/11	2,800.00	0.00	0.00	900.00	400.00	1,300.00	1,500.00	SL	7.0
7	Hand Held Sewing Machines	9/01/11	1,550.00	0.00	0.00	497.86	221.43	719.29	830.71	SL	7.0
8	White Poly Bags	9/01/11	1,800.00	0.00	0.00	578.28	257.14	835.42	964.58	SL	7.0
9	Goolisy Pop Remover	9/01/11	3,500.00	0.00	0.00	1,125.00	500.00	1,625.00	1,875.00	SL	7.0
10	Elevator with Motor Mount	9/01/11	2,800.00	0.00	0.00	900.00	400.00	1,300.00	1,500.00	SL	7.0
11	Braticher Pneumatic Sewing Machin	10/01/11	9,500.00	0.00	0.00	3,053.28	1,357.14	4,410.42	5,089.58	SL	7.0
12	Floor Scales	10/01/11	2,400.00	0.00	0.00	771.72	342.86	1,114.58	1,285.42	SL	7.0
13	Braticher Bagging Scales	10/01/11	15,700.00	0.00	0.00	5,046.72	2,242.86	7,284.58	8,410.42	SL	7.0
14	Building Addition	10/01/11	11,500.00	0.00	0.00	650.74	294.87	945.61	10,554.39	SL	39.0
15	Retail Office Fixtures	10/01/11	33,500.00	0.00	0.00	10,767.42	4,785.71	15,553.13	17,946.87	SL	7.0
16	Meyer Electric Sizer	11/01/11	1,200.00	0.00	0.00	385.86	171.43	557.29	642.71	SL	7.0
17	Dock Plate	12/01/11	650.00	0.00	0.00	208.72	92.86	301.58	348.42	SL	7.0
22	Bagging Equipment	7/07/12	37,000.00	0.00	0.00	10,571.42	5,285.71	15,857.13	21,142.87	SL	7.0
23	Cleaning Plant Equipment	6/30/12	42,150.00	0.00	0.00	9,032.14	6,021.43	15,035.57	27,096.43	SL	7.0
25	Roll Sizer	2/08/12	2,000.00	0.00	0.00	547.61	285.71	833.32	1,166.68	SL	7.0
26	Fax & Copy Machine	11/01/12	2,500.00	0.00	0.00	583.33	500.00	1,083.33	1,416.67	SL	5.0
27	Pecan Sizer	8/17/12	1,500.00	0.00	0.00	285.72	214.29	500.01	999.99	SL	7.0
29	Used Truck Purchase	10/24/12	4,000.00	0.00	0.00	933.33	800.00	1,733.33	2,266.67	SL	5.0
31	Rotatiller/Propane Gun	9/27/12	400.00	0.00	0.00	71.43	57.14	128.57	271.43	SL	7.0
33	Trailer	2/08/12	1,750.00	0.00	0.00	479.17	250.00	729.17	1,020.83	SL	7.0
34	Used Forklift	12/27/12	8,500.00	0.00	0.00	1,214.29	1,214.29	2,428.58	6,071.42	SL	7.0
35	Champion Sizing Unit	9/02/12	9,000.00	0.00	0.00	1,714.28	1,285.71	2,999.99	6,000.01	SL	7.0
36	Floor Scales	9/02/12	3,800.00	0.00	0.00	723.81	542.86	1,266.67	2,533.33	SL	7.0
38	2003 Nissan Forklift	2/12/13	7,381.25	0.00	0.00	966.59	1,054.46	2,021.05	5,360.20	SL	7.0
40	JLG Scissor Lift	6/01/13	12,000.00	0.00	0.00	1,000.00	1,714.29	2,714.29	9,285.71	SL	7.0
	Machinery & Equipment		295,562.25	0.00c	0.00	77,864.56	41,246.61	119,111.17	176,451.08		

9702973 Georgia Pecan Company, LLC
80-0755280
FYE: 12/31/2014

Book Asset Detail 1/01/14 - 12/31/14

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Asset ^d <u>t</u>	Property Description	Date In Service	Book Cost	Book Sec 179 Exp c	Book Sal Value	Book Prior Depreciation	Book Current Depreciation	Book End Depr	Book Net Book Value	Book Method	Book Period
Grand Total			<u>589,295.57</u>	<u>0.00c</u>	<u>0.00</u>	<u>97,513.27</u>	<u>56,793.67</u>	<u>154,306.94</u>	<u>434,988.63</u>		

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CERTIFICATE OF SERVICE

I hereby certify that I have furnished a true copy of the **TRUSTEE'S MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS and NOTICE** to those listed below by either court's electronic mail system, regular electronic mail or by depositing the same in the United States Mail, in a properly addressed envelope with sufficient postage thereto affixed to insure delivery, this 14th day of January, 2015.

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THOSE LISTED ON EXHIBIT 'B'
(Notice only)
[VIA U.S. MAIL]

s/ David S. Ballard
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